

The new crack cocaine Guideline does not change Davis's Base Offense Level. For 2.97 kilograms of crack cocaine, the Base Offense Level is still 36 (2.8 to 8.4 kilograms of crack cocaine). Since Davis's Base Offense Level does

not change, his Total Offense Level and guideline range also remain the same.  
There is therefore no basis to reduce his sentence.

**SO ORDERED.**

**DATED THIS 4<sup>TH</sup> DAY OF NOVEMBER, 2011**

/s/D. Brock Hornby  
**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**